

Classes of registration

Regulation 10 of the Architects Regulations 2015

This guideline has been prepared by the ARBV pursuant to regulation 7 of the Architects Regulations 2015. Guidelines provide architects guidance on professional conduct and practice. If the ARBV reasonably believes an architect has not complied with the guidelines, it may give written advice to an architect about compliance, pursuant to regulation 8 of the Regulations. Guidelines also help consumers understand what the ARBV expects of architects. Guidelines are reviewed regularly.

Architects are registered in one of two classes of registration: Practising and Non-Practising.

When registering for the first time, an architect must be registered in the Practising class. An architect is eligible to be registered in the Non-Practising class if they are already registered and they do 'not intend to carry out work as an architect'.

Framework

The two classes of registration are provided for by regulation 10 of the Architects Regulations 2015 (Vic). It provides that an architect may be registered in the Non-Practising class if they do not intend to carry out work as an architect and has informed the ARBV that they do not intend to carry out work as an architect.

Regulation 17 provides that an architect's class of registration is contained in the Register of Architects pursuant to section 16 of the Architects Act 1991. Regulation 18 provides that an architect must notify the ARBV in writing within 14 days of any change of information contained in the Register.

ARBV guidance

The ARBV considers that 'does not intend to carry out work as an architect' means that the architect is not:

- intending to commence or otherwise work on a project as an architect or provide architectural services to a client (either directly or via another party) including without limitation:
 - master planning, concept design work, design development, preparation of design or construction documentation (drawing, specifications and schedules)
 - project delivery (contractor selection, contract administration, specialist consultant coordination, and project management)

- supervising or responsible for the architectural work of another person, including graduates undertaking the Architectural Practice Examination
- providing expert witness services, consultation advice or general advice as an architect in a formal manner
- representing (including by advertising) that they are providing architectural services, practising as an architect or are willing to undertake work as an architect, either as an individual or sole trader
- representing (including by advertising) that a company or partnership of which they are the sole architect director/partner is providing architectural services or is willing to undertake work as an architect

Where an architect in the Non-Practising class returns to work as an architect, the architect must apply to change to the Practising class. This means that an architect in the Non-Practising class can seek employment as an architect but must change to the Practising class before or upon commencement of employment (see below for time frame within which an application to return to the Practising class must be made).

Per section 9 of the Act, proof of professional indemnity insurance cover may be required for architects applying to return to the Practising class. The ARBV understands that architects often need to return to the Practising class when they are commencing or recommencing employment, and the relevant insurance documents may not reasonably be available to the architect until they join or rejoin the employer. The ARBV therefore requires that such

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architects apply to change class within 14 days of their joining/rejoining date. This is consistent with the regulation 18 requirement to notify the ARBV within 14 days of any change of information contained in the Register.

When you are carrying out work as an architect it is important to ensure you hold the appropriate insurance to cover the work you are carrying out. For more details, please see the [ARBV website](#) and the [professional Indemnity Insurance Guideline](#).

Examples

1. *An architect discusses or submits a proposal to a prospective client.*

The ARBV considers this architect to be intending to carry out or as carrying out work as an architect. The architect must therefore be registered in the Practising class or, if registered in the Non-Practising class, they must submit an application to change to the Practising class within 14 days of their intention to carry out work as an architect.

2. *An architect advertises their architectural services to prospective clients and directly or indirectly invites contact from the prospective clients.*

The ARBV considers this architect to be intending to carry out work as an architect and they therefore must be registered in the Practising class.

3. *An architect applies for employment as an architect, is offered the job, and then accepts the offer.*

The ARBV considers that the architect, by applying for employment, is not immediately intending to carry out work as an architect, but they would be

intending to carry out such work once they commence the employment. The architect may be registered in either class at the time that they apply for the position, however they must ensure they are either registered in the Practising class upon the commencement of their employment, or make an application to change into the Practising class within 14 days of their commencement date.

4. *An architect is doing work for their own house or for a family/friend.*

The ARBV considers this architect to be intending to carry out work as an architect. Architectural services carried out for family, friends, neighbours or for their own benefit is not excluded.

5. *An architect is providing consulting advice.*

The ARBV considers providing expert witness services, consultation advice or general advice that relates to a specific project/s in a formal manner to be to carry out work as an architect. Given you are providing this expert witness service or advice based on your professional skills and knowledge as an architect.

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How to change class of registration

Changing to Non-Practising

An architect can change their class of registration to Non-Practising by submitting an application to the ARBV through the ARBV Portal. The architect will be required to indicate the reason for the change, including what they will be doing. When working within the building and construction industry, architects may be asked to provide details of their new role such as a position description.

Architects moving into the Non-Practising class of registration are also required to make a declaration that they are not intending to provide architectural services.

Changing to Practising

Architects can return to the Practising class at any time by submitting an application through the ARBV Portal. This usually requires that architects pay any required fees and provide proof of insurance coverage.

If an architect remains in the Non-Practising class for more than 2 years, they will be required to provide additional information when they apply to return to the practising class relating to their standard of professional practice and may need to complete a further assessment. An assessment fee is also payable.

For further information refer to the [ARBV website](#).

Conclusion

If an architect is practising as an architect or in any way providing architectural services, they must be registered in the Practising class. It doesn't matter whether the architect is being paid or not; what matters is whether they are practising or providing services.

By ensuring architects are registered in the Practising class, they protect themselves, their clients and the public.

If an architect no longer wishes to be registered, either in the Practising or Non-Practising class, they are able to request to be removed from the Register. This means that if they wish to be registered in the future, they will need to apply to the ARBV for reinstatement of their registration.

References

Please see the ARBV Guide on Professional Indemnity Insurance. The Classes of Registration Guideline should be read in conjunction with this Guideline.

This guideline is issued by ARBV under regulation 7 of the Architects Regulations 2015 for the purpose of providing general guidance as to the operation of the Architects Act 1991 and the Regulations. The guideline should be considered in the context of the reader's individual circumstances. It is the reader's responsibility to obtain independent advice where necessary in respect of their individual circumstances and the application of legislation, guidelines and other instruments. To the extent permitted by applicable laws, the ARBV, its employees, agents and consultants exclude any and all liability for any direct, indirect, incidental, special or consequential loss or damage a person may suffer arising out of or in connection with the access and use of the ARBV's resources (including any third-party material included in these resources).